

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

**NOTICE OF SECOND AMENDED² AGENDA FOR HEARING SCHEDULED
FOR JANUARY 21, 2025, AT 1:00 P.M. (ET)**

This proceeding will be conducted **in-person** in Courtroom 6.
All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom. Please refer to Judge Stickles' Chambers Procedures (<https://www.deb.uscourts.gov/content/judge-j-kate-stickles>) and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on who may participate remotely, the method of allowed participation (video or audio), Judge Stickles' expectations of remote participants, and the advance registration requirements.

Registration is required in advance of the hearing unless otherwise noticed using the eCourtAppearances tool available on the Court's website.

MATTER NOT GOING FORWARD

1. Motion of Judith Owczarkowski, as Administratrix for the Estate of Norman Owczarkowski for Relief from the Automatic Stay under Section 362 of the Bankruptcy Code and Waiver of Fourteen Day Stay Imposed by Rule 4001 (a)(3) ([D.I. 414](#), filed 10/4/24).

Objection Deadline: October 25, 2024, at 4:00 p.m. (ET); extended for the Debtors to November 14, 2024.

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors' corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

² Amended items appear in bold.

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).

Related Documents:

- a) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12/16/24).

Status: The Debtors understand from counsel to the movant that this matter will be withdrawn.

ADJOURNED MATTERS

- 2. Gerald Bogle's Motion for Relief from the Automatic Stay ([D.I. 672](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET); extended to February 12, 2025.

Responses Received: None.

Related Documents: None.

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

- 3. Motion of Amy Eskra-Brown for Relief from Bankruptcy Automatic Stay to Proceed Against Insurance Proceeds ([D.I. 674](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).

Related Documents:

- a) Notice of Hearing in Support of Motion for Relief from Stay ([D.I. 858](#), filed 11/4/24).
- b) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12/16/24).

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

4. Motion of Carol Donnelly for Relief from Bankruptcy Automatic Stay to Proceed Against Insurance Proceeds ([D.I. 676](#), filed 10/31/24).

Objection Deadline: November 14, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1103](#), filed 11/14/24).

Related Documents:

- a) Notice of Hearing in Support of Motion for Relief from Stay ([D.I. 861](#), filed 11/4/24).
b) Declaration of Jonathan Caruso in Support of Debtors' Omnibus Objection to Motions for Relief from Automatic Stay Under Section 362 of the Bankruptcy Code ([D.I. 1352](#), filed 12/16/24).

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

5. Motion of Maureen Scullon to Modify the Automatic Stay Pursuant to Section 362(d) of the Bankruptcy Code ([D.I. 1256](#), filed 11/27/24).

Objection Deadline: December 12, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents: None.

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET). The Debtors anticipate resolving this matter consensually and filing a proposed order under certification of counsel.

6. Attic Products, Dan Dee International, LLC, and Dewan & Sons' Motion for Allowance and Payment of Administrative Claims ([D.I. 1259](#), filed 11/27/24).

Objection Deadline: December 11, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Objection to Attic Products, Dan Dee International, LLC, and Dewan & Sons' Motion for Allowance and Payment of Administrative Claims ([D.I. 1356](#), filed 12/16/24).

Related Documents: None.

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

7. Sensational Brands Inc. & The Marketing Group LLC's Motion for Allowance and to Compel Payment of Administrative Expense Claims ([D.I. 1494](#), filed 12/30/24).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).

Responses Received: None at this time.

Related Documents: None at this time.

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

8. D.H. Pace Company, Inc.'s Motion for Allowance of Administrative Expense Claim and to Compel Payment ([D.I. 1561](#), filed 1/3/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).

Responses Received: None at this time.

Related Documents: None at this time.

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

9. Application of Homelegance Inc. for Allowance of Administrative Expense ([D.I. 1571](#), filed 1/3/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).

Responses Received: None at this time.

Related Documents: None at this time.

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

10. SquareTrade, Inc.'s Motion for Allowance and Payment of Administrative Expense Claim ([D.I. 1596](#), filed 1/7/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Allowance and Payment of Stub Rent, Post-Petition Rent and Order Administrative Expense Claims ([D.I. 1705](#), filed 1/14/25).

Related Documents:

- a) Declaration of Matthew Poole in Support of SquareTrade, Inc.'s Motion for Allowance and Payment of Administrative Expense Claim ([D.I. 1598](#), filed 1/7/25).

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

- 11. Motion of Belkis Millan for Relief from the Automatic Stay ([D.I. 1625](#), filed 1/7/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).

Responses Received: None at this time.

Related Documents: None.

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

MATTER UNDER CERTIFICATION

- 12. Debtors' Motion for Entry of an Order Extending the Exclusive Periods During Which Only the Debtors May File a Chapter 11 Plan and Solicit Acceptances ([D.I. 1590](#), filed 1/6/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents:

- a) Certificate of No Objection with Respect to Order Extending the Exclusive Periods During Which Only the Debtors May File a Chapter 11 Plan and Solicit Acceptances ([D.I. 1728](#), filed 1/15/25).
- b) Order Extending the Exclusive Periods During Which Only the Debtors May File a Chapter 11 Plan and Solicit Acceptances ([D.I. 1755](#), entered 1/16/25).

Status: An order has been entered with respect to this matter. Accordingly, no hearing on this matter is necessary.

MATTERS GOING FORWARD

13. Thirty-five individual motions seeking to compel payment of asserted administrative expenses under sections 503 and 365 of the Bankruptcy Code. For movants and D.I. numbers, see attached Exhibit A.

Responses Received:

- a) Debtors' Omnibus Objection to Motions for Allowance and Payment of Stub Rent, Post-Petition Rent and Order Administrative Expense Claims ([D.I. 1705](#), filed 1/14/25) (the "Omnibus Objection").

ADJOURNED MOTIONS: Thirty-two of the movants listed on Exhibit A have adjourned their motions for payment of asserted administrative expenses.

Related Documents:

- a) Limited Reply and Reservation of Rights of Bayshore Mall 1A, Bayshore Mall 1B, LLC and Bayshore Mall 2, to Debtors' Omnibus Objection to Motions for Allowance and Payment of Stub Rent, Post-Petition Rent and Other Administrative Expense Claims ([D.I. 1747](#), filed 1/16/2025).
- b) Creditor Giftree Crafts Company Limited's Reply to the Debtors' Omnibus Objection to Giftree's Motion for an Order (I) Allowing and Compelling Immediate Payment of Its Administrative Expense Claims and Prepetition Claims; and (II) for Other Requested Relief ([D.I. 1770](#), filed 1/17/25).
- c) Creditor Giftree Crafts Company Limited's Motion for Leave to File Late Reply ([D.I. 1772](#), filed 1/17/25).
- d) Giftree Crafts Company Limited's Witness and Exhibit List for Hearing Scheduled for January 21, 2025 at 1:00 P.M. ([D.I. 1773](#), filed 1/17/25).

Status: As noted on Exhibit A, thirty-two of these motions have been adjourned to the omnibus hearing scheduled for February 26, 2025. This matter is going forward with respect to the motions filed at docket nos. 1436, 1451, and 1566. However, as discussed in the Debtors' Omnibus Objection and as will be argued at the hearing, the Debtors believe that these matters should be deferred until an administrative expense reconciliation process is established.

14. Fourth Notice of (A) Bid Deadline, (B) Sale Hearing, and (C) Potential Assumption and Assignment of Certain Unexpired Leases ([D.I. 1236](#), filed 11/25/24).

Objection Deadline: December 12, 2024, at 4:00 p.m. (ET), extended for the Debtors until December 13, 2024.

Responses Received:

- a) Limited Objection and Reservation of Rights to the Assumption and Assignment of Lease Pursuant to the Lease Sales Procedures ([D.I. 1337](#), filed 12/12/24).
- b) Objection of 5620 Nolensville Pike, LLC to Proposed Assignment of Lease to Burlington Coat Factory Warehouse Corporation ([D.I. 1346](#), 12/13/24).
- c) Ross Stores, Inc.'s Objection to Debtors' Fourth Notice of Successful Bidders with Respect to the Auction of Certain of the Debtors' Lease Assets and Assumption and Assignment of Certain Unexpired Leases ([D.I. 1350](#), filed 12/13/24).

Related Documents:

- a) Notice of Abandonment, Utilization and Disposal of Personal Property on Certain of the Debtors' Leased Premises Sold Pursuant to the December Wave Lease Sales ([D.I. 1237](#), filed 11/25/24).
- b) Notice of Potential Utilization and Disposal of Personal Property on Certain of the Debtors' Leased Premises Sold Pursuant to the December Wave Lease Sales ([D.I. 1238](#), filed 11/25/24).
- c) Fourth Notice of Successful Bidders with Respect to the Auction of Certain of the Debtors' Lease Assets and Assumption and Assignment of Certain Unexpired Leases ([D.I. 1312](#), filed 12/5/24).
- d) Declaration of Emilio Amendola of A&G Real Estate Partners, in Support of Order (I) Authorizing and Approving the Sale of Certain of the Debtors' Assets Free and Clear of All Claims, Liens, Rights, Interests, Encumbrances, and Other Assumed Liabilities and Permitted Encumbrances, (II) Authorizing and Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (III) Granting Related Relief ([D.I. 1375](#), filed 12/17/24).
- e) Notice of Filing of Proposed Order Pursuant to Section 363 and 365 of the Bankruptcy Code Authorizing the Debtors-in-Possession to Terminate or Assume, Assign and Sell Certain Non-Residential Real Property ([D.I. 1381](#), filed 12/19/24).
- d) Aldi Inc's Reply in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Establishing Procedures to Sell Certain Leases, (II) Approving the Sale of Certain Leases, and (III) Granting Related Relief ([D.I. 1717](#), filed 1/15/25).³
- f) [SEALED] Debtors' Reply to Objections to Debtors' Assumption and Assignment of the Lease in Nashville, TN (D.I. 1723, filed 1/15/25).⁴

³ This reply relates to objection (a).

⁴ This reply relates to objections (b)–(c).

- g) Burlington Stores, Inc.'s Omnibus Reply to Objections to Burlington's Assignment and Assumption of Nolensville Lease ([D.I. 1725](#), filed 1/15/25).⁵
- h) Debtors' Reply to Objection to Debtors' Assumption and Assignment of Lease in Vero Beach ([D.I. 1732](#), filed 1/15/2025).⁶
- i) Notice of Filing of Redacted Version of Debtors' Reply to Objections to Debtors' Assumption and Assignment of the Lease in Nashville, TN ([D.I. 1737](#), filed 1/15/25).
- j) Motion to File Under Seal Debtors' Reply to Objections to Debtors' Assumption and Assignment of the Lease in Nashville, TN ([D.I. 1738](#), filed 1/15/25).
- k) Exhibit(s) A-J to Aldi Inc.'s Reply in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Establishing Procedures to Sell Certain Leases, (II) Approving the Sale of Certain Leases, and (III) Granting Related Relief ([D.I. 1719](#), filed 1/15/25).
- l) Declaration of Jordan Ford in Support of Entry of an Order (I) Approving the Assumption and Assignment of Lease to Aldi Inc. for Store 5230 (Vero Beach, FL) and (II) Granting Related Relief ([D.I. 1720](#), filed 1/15/25).
- m) Aldi Inc.'s Witness List for Hearing Scheduled for January 21, 2025 at 1:00 p.m. (Prevailing Eastern Time) ([D.I. 1744](#), filed 1/16/25).
- n) Stipulation Between Ross Stores, Inc. and Burlington Coat Factory Warehouse Corporation Regarding January 21, 2025 Hearing ([D.I. 1781](#), filed 1/20/25).**

Status: This matter is going forward. As stated in the Debtors' reply at D.I. 1732, the Debtors are not pursuing the previously proposed sale of the Vero Beach property to Aldi Inc., which the Debtors believe moots objection (a). The Debtors intend to introduce the testimony of Emilio Amendola by declaration (D.I. 1375).

- 15. Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1351](#), filed 12/13/24).

Objection Deadline: December 27, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Objection of Edgewater Park Urban Renewal, LLC to Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of

⁵ This reply relates to objections (b)–(c).

⁶ This reply relates to objection (a).

Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1414](#), filed 12/23/24).

- b) [WITHDRAWN] Objection, and Joinder to Objections, of Lafayette Station LLC, South Oaks Station LLC and Five Town Station LLC to Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1435](#), filed 12/27/24).
- c) Limited Objection and Reservation of Rights of Kin Properties Inc. and Its Affiliated Landlords to Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1438](#), filed 12/27/24).
- d) [WITHDRAWN] Joinder of Core Shoppes at Gloucester LLC, Core Highland Plaza LLC, Core Whispering Pines LLC, and Core North Hills One LLC to Limited Objection, and Joinder to Objections, of Lafayette Station LLC, South Oaks Station LLC and Five Town Station LLC to Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1439](#), filed 12/27/24).
- e) Objection of Steger Towne Crossing, LP to Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1440](#), filed 12/27/24).
- f) Objection of Commodore Realty, LLC and G&I IV Southgate Shopping Center, LLC to Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1447](#), filed 12/27/24).
- g) Limited Objection of River Oaks Properties, Ltd. and ROP North Hills, LLC to Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1701](#), filed 1/14/25).
- h) Limited Objection and Reservation of Rights of 35/WCD Century South K/C LTD; Alta Center, LLC; ARC ASANDSC001, LLC; Beacon Plaza LLC; BMA Beachwood, LLC; Brixmor Operating Partnership LP; Millan Holdings LLC; Netstreit; RD Management LLC; Robhana Group; Sun Plaza Shops, LLC; The Carrington Company; TJ Elite Properties, LLC; Urban Edge Properties LLC; and Whittier Trust Company to Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1703](#), filed 1/14/25).

Related Documents:

- a) Certification of Counsel Regarding Bridge Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1537](#), filed 1/2/25).
- b) Bridge Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief ([D.I. 1551](#), entered 1/2/25).
- c) Debtors' Preliminary Omnibus Reply to Objections to the Debtors' Motion for an Extension of Time to Assume or Reject Unexpired Leases ([D.I. 1724](#), filed 1/15/25).

Status: On January 2, 2025, the Court entered a bridge order with respect to this matter. Objections (b) and (d) have been withdrawn. This matter is going forward with respect to the remaining objections. The Debtors reserve the right to argue that the objections filed at D.I. 1701 and D.I. 1703 were not timely filed.

16. Gateway's Motion to Enforce the Sale Order and Compel Performance by Debtors Under Asset Purchase Agreement ([D.I. 1559](#), filed 1/3/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET); extended for the Debtors to January 17, 2025, at 12:00 p.m. (ET).

Responses Received: None at this time.

Related Documents:

- a) Declaration of Evan Glucoft in Support of Gateway's Motion to Enforce the Sale Order and Compel Performance by Debtors Under Asset Purchase Agreement ([D.I. 1560](#), filed 1/3/25).
- b) Gateway's Second Motion to Enforce the Sale Order and Compel Performance by Debtors Under Asset Purchase Agreement ([D.I. 1616](#), filed 1/7/25).

Status: **This matter is not going forward. The Debtors, Committee, and Gateway have reached an agreement in principle to be documented in a stipulation that will be filed on the docket.**

17. SquareTrade Inc.'s Motion for Order Compelling Immediate Assumption or Rejection of Agreement; or, in the Alternative, for Stay Relief ([D.I. 1600](#), filed 1/7/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET).

Responses Received: None at this time.

Related Documents:

- a) Declaration of Matthew Poole in Support of SquareTrade, Inc.'s Motion for Order Compelling Immediate Assumption or Rejection of Agreement; or, in the Alternative, for Stay Relief ([D.I. 1601](#), filed 1/7/25).
- b) Declaration of Eve H. Karasik in Support of SquareTrade, Inc.'s Motion for Order Compelling Immediate Assumption or Rejection of Agreement; or, in the Alternative, for Stay Relief ([D.I. 1602](#), filed 1/7/25).

Status: This matter is adjourned to the omnibus hearing scheduled for February 26, 2025, at 10:30 a.m. (ET).

18. Ashley Furniture's Motion for Relief from the Automatic Stay ([D.I. 1603](#), filed 1/7/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET); extended to January 16, 2025, at 12:00 p.m. (ET) for the Debtors.

Responses Received: None at this time.

Related Documents: None.

Status: The Debtors anticipate resolving this matter consensually. If a resolution cannot be finalized in advance of the hearing, the Debtors anticipate adjourning this matter to the omnibus hearing date scheduled for February 26, 2025.

19. Motion of Highland and Sterling, LLC and Big Holdings 2, LLC to (A) Compel Immediate Rejection of Lease and Surrender Possession of the Premises Pursuant to 11 U.S.C. § 365 or, Alternatively, (B) Grant Landlord Relief from Stay Pursuant to 11 U.S.C. § 362(d); and (C) for Related Relief ([D.I. 1605](#), filed 1/7/25).

Objection Deadline: January 14, 2025, at 4:00 p.m. (ET); extended to January 16, 2024, at 12:00 p.m. (ET) for the Debtors.

Responses Received:

- a) Debtors' Objection to Motion of Highland and Sterling, LLC and Big Holdings 2, LLC to Compel Immediate Rejection of Lease and Surrender Possession of the Premises or, Alternatively, Grant Landlord Relief from Stay ([D.I. 1727](#), filed 1/15/25).

Related Documents: None.

Status: This matter is going forward.

Dated: January 20, 2025
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Casey B. Sawyer

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